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CENTRAL FAX CENTERAtty Docket No.: 200313156-1
App. Ser. No.: 10/673,134

MAR 27 2007

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks. Claims 1, 15, and 27 are amended herein. Support for the amendments may be found in canceled claim 31 and on page 9, lines 15-30 and figure 1 of the originally filed specification. Claim 31 has been canceled herein without prejudice or disclaimer to the subject matter contained therein. Therefore, claims 1-5, 7-15, and 17-31 are pending in the present application of which claims 1, 15, and 27 are independent.

Claims 1-5, 7-15, and 17-32 were rejected under 35 U.S.C. § 102 as allegedly anticipated over David et al. (6,018,203) ("David").

This rejection is respectfully traversed for the reasons set forth below.

Claim Rejection Under 35 U.S.C. §102

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

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Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 1-5, 7-15, and 17-32 were rejected under 35 U.S.C. § 102 as allegedly anticipated over David. This rejection is respectfully traversed because David fails to disclose the invention as set forth in independent claims 1, 15, and 27, and the claims that depend therefrom.

Regarding independent claim 1, David fails to teach "calculating a new load demand to be placed on the at least one power system component based on a... maximum loading value, ... changing the load demand ... such that the maximum loading values ... are not exceeded" as recited in independent claim 1. Support for these features is described according to one example on page 18, lines 15-20 of the Applicants' specification. According to this particular example, a maximum loading value may include a maximum rated power output or power demand that the power system component is designed to support. As the passage explains, exceeding maximum loading values may cause components to fail. As figure 2A depicts, consideration of maximum loading values may result in unequal distribution of the load to different circuits.

David discloses only distributing load equally amongst power system components (see column 4, lines 1-9) and does not consider maximum loading values. Therefore, the processor 12 of David does not utilize the maximum loading value of components to distribute load, because it appears that the maximum loading value of the components in David's system is presumed equal. Therefore, David fails to teach considering "maximum loading value" to calculate a new load demand.

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David fails to teach that "at least one other functioning power system component has a maximum loading value which is different from the at least one power system component" as recited in independent claim 1. As set forth above, David fails to disclose the consideration of maximum loading values and, therefore, fails to disclose components having different maximum loading values.

Independent claim 1 also recites determining whether load demand on a second set of power system components receiving power from the first set of power system components needs to be varied; calculating the new load demands and controlling the load demands on the second set of power system components. As shown in figure 1 of the Applicants' specification and described in the examples shown in figures 2A and B, the load manager 160 is operable to control multiple levels of a power system, where one level, such as the circuits, receives power from a second level, such as the PDUs. David only discloses reprogramming the switches and fails to teach controlling the circuit breakers or any components receiving power from the switches. Accordingly, David also fails to teach these features.

Independent claim 15 has been amended to include the features of dependent claim 31, which is canceled herein. Claim 15 now recites,

a second set of power system components receiving power from the first set of power system components,

wherein the load manager sends control data to the first set of power components to control the load demands to be equal to the calculated load demands, and

the load manager calculates load demands to be placed on the second set of power system components based on the load balancing scheme and sends control data to the second set of power system components to control the load demands on the second set of power system components to be equal

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to the calculated load demands for the second set of power system components.

As described above, David only discloses reprogramming the switches and fails to teach controlling the circuit breakers or any components receiving power from the switches. Accordingly, David also fails to teach these features.

Furthermore, claim 15 recites sending control data to the first and second set of power system components from the load manager to control the load demand on the components. David discloses a processor 15 connected to the switches but fails to disclose the processor 15 connected to any components receiving power from the switches, and fails to teach sending control data to a second set of power system components receiving power from a first set of power system components.

Also, it should be noted that if claim 15 is rejected over new prior art in a subsequent office action, the office action cannot be made final because claim 15 has only been amended to include the features of dependent claim 31, which was also rejected as being anticipated by David.

Independent claim 27 recites features similar to claim 1 not taught by David. Also, independent claim 27 recites means for sending control data to first and second power system components, similarly to claim 15, which is also not taught by David.

For at least the foregoing reasons, it is respectfully submitted that David fails to disclose each and every element of independent claims 1, 15, and 27 and, therefore, cannot anticipate these claims. Thus, claims 1-5, 7-15, 17-30 and 32 are believed to be allowable.

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Conclusion

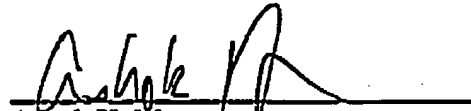
In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: March 27, 2007

By


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